The Spock Victory, P. 2; Fulbright Exposes That 84%-for-ABM Ad, P. 3

The Best Official Answer to the Pentagon's Favorite Nightmare

"Neither the United States nor the Soviet Union has a 'first strike' capability . . . [and] most authoritative analysts are agreed that neither power can hope to achieve such a capability."

—Eighth Annual Report of the U.S. Arms Control and Disarmament Agency as sent to Congress by President Nixon on March 11 and quoted by Senator Cranston (D. Cal) *in a speech against the ABM in the Senate July 18.*

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The Hoax That Cost A Trillion Dollars In 25 Years

The basic issue behind the ABM debate, but rarely mentioned in it, was touched upon in the minority report from inside the Senate Armed Services Committee. Of the seven members who voted against the ABM, three—Symington, Young of Ohio and Inouye—signed a dissenting opinion which said—

The American people have lived with fears of a Soviet attack for some quarter of a century, ever since World War II, and have expended a thousand billion dollars on defense in recognition of this possible danger. These gigantic expenditures have been detrimental to many other plans, programs and policies which now also appear vitally important to the security and well-being of this Nation. The American people now know that many billions of these dollars spent on defense have been wasted.

The truth is that we have spent a trillion dollars since World War II on a gigantic hoax. The U.S. emerged from World War II, as from World War I, virtually unscathed, enormously enriched and—with the atom bomb—immeasurably more powerful than any nation on earth had ever been. The notion that it was in danger of attack from a devastated Soviet Union with 25 million war dead, a generation behind it in industrial development, was a wicked fantasy. But this myth has been the mainstay of the military and the war machine.

Projecting One's Own Worst Impulses

Until this bogeyman is disposed of, there will always be an ABM. There will always be some new device offered us in panic as necessary to our security. Until the opposition moves from the technical details of weaponry—whether ABM or MIRV—to an attack on this underlying obsession with a Soviet attack, we're never going to bring the arms budget and the arms race under control. At a hearing of his Senate Foreign Relations Committee on MIRV July 16, Senator Fulbright put his finger on the essential point when he said the Pentagon experts "seem to assume, I have never been quite clear why, that they [the Russians] have only one object in life and that is to destroy the United States, and everything else is subordinate to that objective. I do not accept that." A psychologist would say that such a view projects on the Rival or Enemy the worst impulses of one's own heart.

In a cold war speech which sounded as if it came right out of deep freeze in the Fifties, Jackson told the Senate in a pro-ABM speech July 9 it was essential to know one's enemy. It is even more essential to know oneself. Jackson's speech might have been written by John Foster Dulles. It had all his Manichean self-righteousness. All the forces of Light were on our side; all the forces of Darkness, on the other. In a world of demonology, there can be no diplomacy. If both sides are human, equally fallible and fearful, then compromise and accommodation are possible. But if it is the Devil in new guise who sits at the other side of the table, one cannot negotiate. One can only frighten or "deter" him, and hold in reserve weapons fearsome enough to destroy him, if he slyly ventures an attack. In such a world the problems are purely technical and military. Their solution requires ever better and more numerous weapons. In such a world there can be no limit to military budgets and military power. That's why the military men on both sides prefer it.

"The point," Cranston of California said in an anti-ABM speech July 18, "was perhaps made most succinctly a couple of months ago by a Soviet Embassy official in Washington. 'If the Americans want to throw away $7 billion on this toy,' he said of the ABM, 'it only means that our militarists will want more missiles, and that your militarists will want more missiles, and there it goes.' By this route "there it

(Continued on Page Four)

Question For A Lunar Morning After

The day men first stepped on the moon may prove a bad day for mankind. We have spent $30 billions on space; the Russians, a comparably burdensome amount. These are only down-payments. Now the competition to be first with a base on the moon, and then on Mars, begins and with it new fears and tensions. In the Senate debate on the ABM last week Symington quoted that premonitory remark by former Air Force Chief of Staff White, "Tomorrow those who control space will control the world." An arms race in space will put Hell in the heavens. While the earth decays, we will fill the skies with flying weaponry. That giant leap will soon land us in the Buck Rogers era; its puerile mentality and enormous cost will be a provocation to the desperate poor everywhere, while its gilded welfare rolls maintain a new crop of millionaires from Houston to San Diego. That tidal wave of TV banality on the moon landing turned an historic moment into a cosmic commercial, a planetary brainwash to keep their aerospace gravy train moving. It is still not too late to ask ourselves, "What if we let the Russians be first on Mars and we become the first on earth to wipe out poverty instead?"

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Spock Verdict A Victory for Peace and Draft Resistance

THE REVERSAL IN THE SPOCK CASE is a victory of major importance to the peace movement. The Court of Appeals decision puts the Justice Department on notice that any further attempt to prosecute anti-war and anti-draft resistance as conspiracy may expect astringent and skeptical treatment on appeal. But the decision itself is disappointing in three respects. The Appeals Court did not pass on prejudicial error in the conduct of the trial. "There is going to be one verdict," the trial Judge, Ford, said at one point to defense counsel Telford Taylor, "and it's going to be guilty." *

This was only the most overt indication of Judge Ford's bias. The description set forth in the brief of Dr. Spock's courageous counsel, Leonard Boudin, recalls the conduct of Federalist judges in the days of the Alien and Sedition laws. Another important area on which the Appeals Court was silent is Judge Ford's refusal to permit the defense to challenge the constitutionality of the draft law and the illegality of the Vietnamese war. The former is clearly a justiciable question. The latter may be more difficult for judicial action but there is no reason why persons facing prosecution for opposing a particular war should not be allowed to place on the record of their trial the reasons they believe that war to be a violation of the Constitution and of international law, particularly as amplified by the Nuremburg trials.

Secondly, in acquitting Dr. Spock and Michael Ferber but remanding Rev. Wm. Sloane Coffin and Mitchell Goodman for a new trial, the Court drew distinctions which are so fuzzy as to endanger First Amendment rights where expressions of opinion can be linked by one device or another to dragnet conspiracy indictments.

This brings us to our third objection. We believe that in the area of First Amendment rights, conspiracy should be outlawed, particularly where the "conspiracy" was a public manifesto, in this case against the war and the draft. "Every conspiracy," Mr. Justice Harlan protested in the *Grunewald* case (353 US 391), "is by its very nature secret; a case can hardly be supposed where men concert together for crime and advertise their purposes to the world." Such precisely was the Spock case. By calling it a "conspiracy" and prosecuting it as such the government gave it sinister connotations associated with secret plotting, and set a net under which hundreds of signers could have been prosecuted even though they did not specifically intend any violation of the law. If the Appeals court is right about Coffin and Goodman, they could be prosecuted for the substantive crime of counselling, aiding and abetting resistance to the draft. The standards of proof would then be stricter, and criminality could not be imputed by conspiratorial association to others.

HISTORICALLY THE CONSPIRACY mode of prosecution has been the tool of repression in Anglo-American law. Its most notorious use was in earlier attempts to treat trade unions as criminal conspiracies. Generally when prosecutors do not have proof sufficient to convict of a substantive offense, they indict for conspiracy to commit that offense. This allows

*** Senator Young of Ohio, once chief criminal prosecutor of Cuyahoga County in that State, appeared as a character witness for Dr. Spock. He told the Senate July 14 he thought the assignment of the 86-year old Judge Ford to the case "stacked the cards" against the defendants. He said Judge Ford's conduct reminded him of Judge Jeffreys, the famous "hanging judge" under James II.**

De-Escalation Or Flim-Flam?

"Seattle, July 10—Rain, martial music, pretty girls, ticker tape . . . greeted the first GIs pulled out of Vietnam in President Nixon's effort to de-escalate the war. The 814 members of the 3rd Battalion, 60th Infantry, 9th Infantry Division landed yesterday at McChord Air Force Base . . . Fewer than 200 of the men actually fought in the 3rd Battalion in the Mekong Delta area of Vietnam. When the transfer order came, those with time left to serve in Vietnam were moved to other units and the battalion was filled with men ready to return home. The men will not be specifically replaced in Vietnam. But the day they landed at McChord, more than 1,000 fresh troops left the base for a year's tour in the war zone. This month more than 10,000 others will follow them."

—Steven V. Roberts in the New York Times *July 11.*

Senator Gore Indicates Secret U.S. Policy Would Keep Us In Vietnam For A Long Time

Sen. GORE: You said that Gen. Wheeler would study, or the second purpose of the visit would be to reassess, the question of deployment . . . A piecemeal, gradual withdrawal, which seems to be the policy now inaugurated, leaving in Vietnam sufficient U.S. troops to maintain the Thieu-Ky regime in power is not, in my opinion, a road to peace, but rather to prolong the war and, at very best after a period of years, having a Korean-type settlement, which has not been very satisfactory . . .

Sen. FULBRIGHT: . . . Among other people that Gen. Wheeler is to confer with is Admiral McCain. Admiral McCain [Comander in Chief, Pacific] earlier this year wrote an article for Readers Digest . . . in which he said we have the enemy on the run . . . The facts did not support his theory. Now, on July 9 . . . in Tokyo, according to the Chicago Tribune Press Service, it says and I read: "The U.S. top commander in the Pacific told Japan today that a military victory in Vietnam is possible . . ." Are you certain that the Administration and the military have given up the idea of a military victory? Admiral McCain feels it is feasible, and if Gen. Wheeler is going there and he persuades him it is, then I presume you would not bring any more troops home and we might even return some of them . . .

Sec'y LAIRD: Our objective in Vietnam is not a military victory but . . . the right of self-determination . . .

Sen. GORE: Has there been any change in the objectives of our country in Vietnam by the present Administration?

Sec'y LAIRD: Yes, I believe that there are certain changes.

Sen. GORE: In objectives?

Sec'y LAIRD: Basic changes . . . but I want to make it clear that as far as our overall objective is concerned that has not been escalated, and I felt that this statement from Admiral McCain might give one that impression.

Sen. GORE: I did not ask you if the objective had been escalated. I am going to send you a top secret document with a marked sentence which I will ask you to look at and then I will ask you again if there has been a change in objectives . . . I have an arrow pointed to the sentence there . . . Have there been changes in the objectives of the U.S. Government in South Vietnam?

Sec'y LAIRD: No.

—Senate Foreign Relations Committee July 15.

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How the Pentagon Censored Nixon's Disapproval on CBW Warfare

loose procedures and circular modes of reasoning which make prosecution easier. So conspiracy has been called the darling of the modern prosecutor's nursery.

Conspiracy law is a metaphysical bog so treacherous a jury of 12 St. Thomas Aquinases would be hard put not to lose its way. The only safe course would be to outlaw it altogether where First Amendment rights are involved. Otherwise as Judge Coffin urged in his dissent from the order for a new trial, "such diverse groups as Clergy Concerned, a consumers' boycott of California grapes, a parents' group for so-called 'freedom of choice' plans within a Southern school district might find themselves facing a conspiracy indictment." Judge Coffin added, "Even if the Court's safeguards were rigorously applied, the ranks of individuals enlisted in a controversial public cause would visibly shrink if they knew that the jury could find them to be members of a conspiracy."

The "chilling effect" on the exercise of free speech or association, Judge Coffin pointed out, is "obvious." It is also obvious that this chilling effect is exactly what the Justice Department hoped for in the case of the anti-war and anti-draft movement. Much of that chill has been removed by the victory in the Spock case, but the danger is still there as long as expressions of political opinion can be woven into a conspiracy indictment.

Our warmest salute to defendants and counsel, especially to Dr. Spock who has done his duty so nobly by the babies he helped to raise, and former Supreme Court Justice Goldberg for lending his prestige to the defense as counsel for Dr. Coffin.

THE PENTAGON NOW CENSORS NIXON as delegates to the disarmament talks in Geneva will find if they compare Nixon's message to them July 3 as recorded in the official *Weekly Compilation of Presidential Documents* here with the message as transmitted to Geneva. The latter omitted a sentence which said "The specter of chemical and biological warfare arouses horror and revulsion around the world." The Pentagon objected and succeeded in striking that sentence out. We urge some delegate to investigate and record this in the official minutes.

The AMA Had Better Check Lest This Put Medicare on Mars

"A young man, a South Carolinian, came into my office not long ago and said 'I want to thank you, Mr. Congressman, for sending me to the U.S. Air Force Academy in Colorado Springs.' He said, 'I am proud of these silver wings—I can fly anything in the world.' He added, 'I have already been selected for the team to land on Mars in 1981. . . . and so I am studying medicine . . . I am studying medicine in order to know the effects of space on the human body so that I can medically treat men on Mars.'"

—Rep. Wm. Jennings Bryan Dorn of South Carolina: address on the space program to that State's General Assembly, p. E5937 Congressional Record *July 15.*

WE SAY FAREWELL to our old friend Ed Lahey. To a profession which breeds banality, he brought the soul of a medieval Saint, with a Saint's love of the outcast. His writing had the vigor of the slums in which he grew up. He treated the ephemeral great with irreverent humor and he warned in a Lovejoy address two years ago against the "spiritual corruption" bred among newspapermen in Washington by the desire to be "in". Someone should publish a collection of his columns and dispatches, for they belong to the rare literature of American journalism.

Hidden History Back In Print

I. F. Stone's Hidden History of the Korean War, **out of print since 1953 and long a collector's item, is being republished in September by Monthly Review Press in hard cover at $7.50. W are offering it to readers pre-publication at $6.50.**

The last remaining copies of the British edition of Stone's Haunted Fifties, **long out of print in this country, have arrived from England and are available at the original price $4.95. Send your orders with check to Stone's Weekly, 4420 29th St., N.W., Washington, D.C. 20008.**

Five of the Largest ABM Contractors Signed and Bankrolled That 84% Pro-ABM Ad

When Wm. J. Casey was before the Senate Foreign Relations Committee July 9, Senator Symington asked him whether he thought it was proper for heads of companies "getting millions of dollars to build the ABM system" to sign that full page ad "84% Of All Americans Support An ABM System" which Casey's "Citizens Committee for Peace With Security" placed in leading U.S. newspapers June 30. Casey replied that he would "really be surprised" if this were true because "we made a conscious effort to form this committee from among those who did not have any interest in Safeguard or any other major defense interests." When Senator Javits came to Casey's defense, Casey even offered to ask Symington who these persons were and return any money they contributed.

Senator Fulbright then put into the record the names of 11 signers who are directors or top executives of 8 companies which hold more than $150 million in contracts between them on the ABM. Five—IBM, Motorola, Martin-Marietta, General Electric and Sperry-Rand—are among the 12 largest ABM contractors. The other three are Lockheed Aircraft, Brunswick Corporation and American Machine & Foundry. Fulbright suggested that since Casey's committee was so anxious to inform the public, it might have added a footnote to its ad explaining that 11 signers had this $150 million interest.

Nixon has nominated Casey to the General Advisory Committee of the U.S. Arms Control and Disarmament Agency. We hope the advice he gives the Agency is not on a par with the statements made in his advertising. Fulbright got Casey to admit serious mistatements, notably that "the Russians have already deployed their own ABM system—giving protection to their strike force." Casey admitted "that is not the case" and called the assertion "a little fuzzy." Fulbright called it untrue.

Casey declared himself as innocently unaware when asked how it was possible for his public opinion survey to declare 84% of the American people for an ABM when the Gallup poll showed 25% in favor and 15% opposed and the majority either with no opinion or insufficient knowledge. The way the poll was loaded for Casey's committee was rather queasily admitted by the head of Opinion Research Corporation in a letter to the Washington Post July 18. The affair deserves a fuller airing when Casey's name comes up for Senate confirmation.

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The Enemies of Liberty At Home Are the First to Crusade for It Abroad

(Continued From Page One)

goes" will some day be the whole planet going up in a forest of mushroom clouds.

Basic Issue Philosophical

The basic issue is philosophical, not technological. If the philosophical premises are those of the military, the technological argument cannot be won. It is not just that the military can reveal what suits them and censor what doesn't. In a world conceived as a melodramatic confrontation between Good and Evil, it will always seem more "prudent" to run the risk of wasting a few more billions of dollars than sudden apoclayptic destruction one dark night.

"Perhaps the worst implication of the ABM debate," Senator Young of Ohio said July 14, "is the fact that it will help to continue the deception that there is a technical solution to the dilemma of the nuclear age. This false hope would be extremely dangerous if it diverted us from efforts to find a solution in the only place where it may be found—in a political and diplomatic search for peace combined with arms limitation and disarmament measures." This the Pentagon fears far more than Communism. The menace of Communism is its necessary twin, the vital element without which its dramaturgy would collapse. Its real enemy is a world without an arms race, a world freed from the fear of war.

The men to watch are those who would cloak the military in the shining armor of another crusade for liberty. After Jackson's speech July 9, Fulbright said soberly "all we are doing is following the traditional way of dealing with possible enemies by building more and more arms." Jackson responded in language which has so often led humanity to destruction. "The basic problem," he replied, "is not new. It is the age-old problem of preserving and nourishing individual liberty." It was the ultimate in irony to hear Jackson complain that "liberals are slandered" in the Soviet Union and "travel abroad is denied dissenters" and to see Tower of Texas rise to congratulate him. We never knew they cared. Jackson's comrade-in-arms, Nixon, launched his career by slandering liberals and was Vice President of an Administration which denied dissenters the right to travel. The new repression reviving under Nixon bears a strong family resemblance to the reviving Stalinism Jackson deplores in the Soviet Union. The military machines and their Pied Pipers are the first on both sides to urge "liberation" abroad while imposing oppression at home.

Billion Dollar Rat Race

"We are caught up in a sequence of technology developments without any logical end. The first step in this sequence was the ballistic missile. The second step is the anti-ballistic missile. The third is the anti-anti-ballistic missile or MIRV as we usually call it. In this sequence each step is more pointless and more treacherous than the one before it. If we continue to put all our faith in seeking security through military technology, we shall soon discover what the fourth step is, but we shall be still further from achieving genuine national security."

—Dr. Herbert York, Prof. of Physics at La Jolla, member of the President's Science Advisory Committee 1957-67, before Senate Foreign Relations July 16.

Chrm. FULBRIGHT: Do I gather that you gentlemen believe that MIRV is much more likely to be made effective than this ABM and this would mean that MIRV can destroy the land-based missiles of the other side which, in effect, leads me to believe that land-based missiles, Minutemen, are an obsolete concept?

Dr. YORK: Yes, may I—

Chrm. FULBRIGHT: That we are building an ABM to preserve an obsolete missile, that we ought to get rid of both of them and try, if we are going to have missiles, have them in the ocean or some other place.

Dr. YORK: That is the next layer of the onion.

—Foreign Relations Committee Same Day.

*** "The magnitude of the asserted threat," says the Symington-Young-Inouye minority report against ABM, "has been declassified, but the Defense Department has consistently refused to release classified information presented the committee which to us presents conclusively that a small increase in Soviet SS–9 missile production would eliminate any significant protection by this ABM system even if it worked." That's what the Senate's secret session was about.**

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I. F. Stone will be on the Dick Cavett Show, ABC-TV, again Aug. 22 at 10 p.m. EDT

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